



US Army Corps  
of Engineers

Sacramento District  
1325 J Street  
Sacramento, CA 95814-2922

# Public Notice

Public Notice Number: 200375043

Date: March 25, 2003

Comments Due: April 25, 2003

In reply, please refer to the Public Notice Number

## TO WHOM IT MAY CONCERN:

**SUBJECT:** Application for a Department of the Army permit under authority of Section 404 of the Clean Water Act (CWA) and for water quality certification under Section 401 of the CWA to discharge material into 1.97 acres of wetlands and other waters of the U.S. during development of a gravel mine along an unnamed, minor, previously modified tributary to the Colorado River, as shown in the attached drawings.

**APPLICANT:** Mr. Peter Siegmund, United Companies  
Post Office Box 3609  
Grand Junction, CO 81502

**LOCATION:** The parcel to be mined is bounded by 15 Road to the west, the Denver and Rio Grande Western railroad tracks to the north, Interstate 70 to the south, and open land to the east in Mesa County, in western Colorado (see Figure 1). A branch of the Colorado River flowing around the north side of Skipper's Island borders the permit area along the west side of the parcel where 15 Road would extend to the river. Interstate Highway 70 lays on Skipper's Island south of the parcel, and two separate bridges accommodate the northern branch of the river. The proposed area to be mined is not located on any part of Skipper's Island or in the Colorado River. The subject parcel is approximately one mile west of the Town of Fruita, in portions of Sections 12 and 13, Township 1 North, Range 3 West, Mesa County, Colorado.

**PURPOSE:** Project purpose is to develop a sand and gravel mine to serve western Mesa County.

**PROJECT DESCRIPTION:** The subject parcel is an open agricultural area located on two separate benches along the Colorado River floodplain. The boundary between the benches defines the limit of the 100 year floodplain of the River. The floodplain and the upper bench are underlain by ancient alluvial sand and gravel deposits which the applicant proposes to mine. The applicant proposes to remove and stockpile topsoil and wetland substrate for later use in the mitigation. The remaining overburden will be removed and stockpiled in a separate location for use in reclamation of the site. There will be five mining cells developed, and these cells will be reclaimed as four ponds with fringe wetland areas after completion of the mining activity. In addition to the mining, there will be an asphalt batch plant, and also a concrete plant built on the upper bench of the project site, and these will be operated for the life of the project. A 0.7 acre

sediment pond to accommodate gravel washing will be installed near the lower end of the southernmost channel branch flowing to the Colorado River (see Figure 2).

The waters of the U.S. which will be disturbed consists of the removal of the lower end of a drainage which carries primarily irrigation return flows, surface, and possibly groundwater flows into the Colorado River. The channels contain wetlands along the bottom. Review of the U.S.G.S. topographic mapping indicated that this drainage originated near an outcropping of adobe hills immediately to the north of the Grand Valley Highline Canal. The drainage has been substantially altered to follow property and road boundaries toward the Colorado River. The drainage basin is relatively small, however, the irrigation return flows are substantial. The applicant proposes to route the natural and irrigation return flow from the drain into the finished ponds, which in turn will then drain into the Colorado River (see Figure 3). During initial work, the central arm of the channel will carry flows to the river, until mining and reclamation of Area 1 is accomplished. Thereafter, the flow will be diverted to Area 1, which will have an outflow to the river.

**ALTERNATIVES:** The applicant did not provide an alternatives discussion. It should be noted that the applicant, OldCastle SW Group, doing business as United Companies, is the current owner of the parcel.

**AREA DESCRIPTION:** The subject parcel is located on two separate benches on the north side of the Colorado River. The upper bench is wholly agricultural land. The east side of the upper bench contains a drainage channel, and in the upper bench the drainage will be avoided. The lower bench contains fields that have been cultivated, however, much of the lower bench contains riparian vegetation, as well as saline surface encrustations and patches of saltgrass. The drainage in the lower bench branches into 3 channels. The channels are well incised, and fringe wetland vegetation occurs along the bottom. The drainage channels in the lower bench will be altered.

The subject parcel is bounded on the north and south by man-made barriers. The property to the west contains the remnants of a once-active gilsonite processing plant. Gilsonite, a precursor to oil shale, contains petroleum and other organic products. The property to the east is in agriculture, as are areas to the north, across from the railroad tracks and highway 6 & 50. The Colorado River splits its flow around Skipper's Island to the south of the parcel. Skipper's Island is dominated by mature riparian vegetation growing in the sand and gravel which comprise the island.

The southern horizon is dominated by the sandstone face of the Uncompahgre uplift. The northern horizon is dominated by the sandstone-capped Mancos shale face of the Bookcliff mountains. To the east, Grand Mesa mountain overlooks the valley. The western horizon consists of the gently sloping valley shale-derived soil, much of which has been placed into agricultural production with the aid of numerous irrigation canals and laterals.

**ADDITIONAL INFORMATION:** The applicant provided a Wetland and Habitat Mitigation Plan for the proposed impacts to the aquatic environment. The mitigation plan for the 1.97 acre impact will consist of the creation of 6.39 acres of lakeshore fringe wetlands, and 100.37 acres of open water (see Figure 3). The applicant states that there will not be any temporal loss of

wetlands or waters of the U.S. during the life of the project. This will be accomplished by performing reclamation within the project contemporaneously with completion of each mining cell.

The wetland to be impacted consists of fringe wetlands within the phreatic zone of the incised drainage. The species are reed canarygrass, foxtail, spike rush, cattails, rabbitfoot grass, wild licorice, and curly dock. The applicant's agent estimated the relative value of these wetlands to be 0.38 on a scale from 0 to 1.0. The agent stated that in addition to a much larger area of mitigation wetland, the value of the mitigation wetlands will be about 0.87, higher than the original wetland. The applicant will remain owner of the property, and will be responsible for the implementation, monitoring, and success of the mitigation plan. An annual mitigation monitoring report will be provided to the Corps until the success criteria have been met.

The property to the immediate west of the subject parcel contains the now-closed gilsonite processing plant with its holding tanks, outbuildings and settlement ponds. The gilsonite plant property is undergoing environmental cleanup of some of the organically contaminated soils. There is not any evidence that the contaminants have drifted onto the upgradient applicant's parcel. The applicant must obtain water quality certification for the discharge of any effluents into the Colorado River.

The applicant has requested water quality certification from the Colorado Department of Public Health and Environment, Water Quality Control Division in accordance with Section 401 of the Clean Water Act. Written comments on water quality certification should be submitted to Mr. Phil Hegeman, Planning and Standards Section, Colorado Department of Public Health and Environment, Water Quality Control Division, 4300 Cherry Creek Drive South, Denver, Colorado, 80222-1530, on or before **April 25, 2003**.

The Colorado Department of Public Health and Environment, Water Quality Control Division also reviews each project with respect to the anti-degradation provision in state regulations. For further information regarding anti-degradation provision, please contact Mr. Hegeman at the Colorado Department of Public Health and Environment, Water Quality Control Division, telephone (303) 692-3518.

The latest published version of the National Register of Historic Places and its monthly supplements have been reviewed and there are no places either listed or recommended as eligible which would be affected. No further cultural resources review is warranted because the permit area has been extensively modified by previous work.

The following endangered species may be present in the permit area according to the U.S. Fish and Wildlife Service Ecological Services, Colorado Field Office: Bonytail chub (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), Humpback chub (*Gila cypha*), and the Razorback sucker (*Xyrauchen texanus*). It should be noted that the permit area does not include the Colorado River itself, which is critical habitat for the aforementioned species, however, some of the permit area lies within the 100-year floodplain of the Colorado River, along an existing tributary to the river. The District Engineer has made this determination based on information provided by the applicant and on the Corps' preliminary investigation.

Interested parties are invited to submit written comments on or before **April 25, 2003**. Any person may request, in writing, within the comment period specified in this notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, cultural values, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership, and in general, the needs and welfare of the people.

For activities involving 404 discharges, a permit will be denied if the discharge does not comply with the Environmental Protection Agency's Section 404(b) (1) guidelines. Subject to the preceding sentence and any other applicable guidelines or criteria, a permit will be granted unless the District Engineer determines it would be contrary to the public interest.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Written comments on this permit application should be submitted to the District Engineer at the address listed above. Please furnish a copy of your written comments to the attention of Nick Mezei, Western Colorado Regulatory Office, U.S. Army Engineer District, Sacramento, 402 Rood Avenue, Room 142, Grand Junction, Colorado 81501-2563. For further information, please contact Nick Mezei, at telephone number (970) 243-1199, extension 13, or email [Nick.Mezei@usace.army.mil](mailto:Nick.Mezei@usace.army.mil).

Michael J. Conrad, Jr.  
Colonel, US Army  
District Engineer

Enclosures: Drawing(s)